

ORDINANCE NO. 1103 – 2018

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM “RELIGIOUS INSTITUTION” TO “SINGLE FAMILY [RESIDENTIAL]” OF A CERTAIN ±0.24 ACRE PARCEL OF LAND LOCATED AT 427 S. ESPLANADE DRIVE IN THE CITY OF MIAMI SPRINGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami Springs (the “City” or “Applicant”), pursuant to the requirements set forth in Chapter 163, Florida Statutes, is requesting a Small Scale Development Amendment to the City’s Comprehensive Plan to modify the Future Land Use Map from “Religious Institution” to “Single Family [Residential]” for a ± 0.24 acre parcel of property located at 427 S. Esplanade Road (the “Property”), as legally described in **Exhibit “A”** attached hereto, (the “FLUM Amendment”); and

WHEREAS, after careful review and deliberation, City Staff has determined that the FLUM Amendment is in compliance with the City’s Comprehensive Plan and consistent with Section 163.3184, Florida Statutes, as set forth in the City Staff’s Report and Recommendations, which is attached hereto and incorporated herein as **Exhibit “B”** and which contains data and analysis supporting the FLUM Amendment; and

WHEREAS, the City Council has been designated at the Local Planning Agency (“LPA”) for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, the City Council, sitting as the LPA, held a duly advertised public hearing on March 26, 2018 and recommended approval of the FLUM Amendment; and

WHEREAS, on March 26, 2018, during the City Council Meeting, the City Council conducted a duly advertised public hearing, considered all comments received concerning the FLUM Amendment as required by State laws and local ordinances, and recommended approval of the FLUM Amendment; and

WHEREAS, after reviewing the Local Planning Agency’s recommendation, the recommendation of City Staff, and comments from the public, the City Council finds that the proposed FLUM Amendment to the City’s Comprehensive Plan for the Property is in compliance with and consistent with Florida law and the City’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:

Section 1. Recitals. The above-stated recitals are hereby adopted, confirmed, and incorporated herein by this reference.

Section 2. Approval of Small-Scale Future Land Use Map Amendment. Pursuant to Section 163.3187, Florida Statutes, the City Council hereby approves amending the City’s Comprehensive Plan Future Land Use Map from “Religious Institution” to “Single Family [Residential]” for the ±0.24 acre parcel located at 427 S. Esplanade Drive, Miami Springs, Florida, legally described in Exhibit “B” attached hereto and incorporated herein.

Section 3. Authorization. The City Manager, by and through the Director of Zoning and Planning, is authorized to make the necessary changes to the City’s Comprehensive Plan Future Land Use Map to reflect the FLUM Amendment approved in Section 2, above.

Section 4. Transmittal. The City Manager and/or his/her designee are authorized to transmit this FLUM Amendment to the Florida Department of Economic Opportunity and other State agencies pursuant to the requirements of Section 163.3184, Florida Statutes, and take all action necessary to finalize and approve same.

Section 5. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading, except that the effective date of the Amendment adopted by this Ordinance shall go into effect 31 days after the State land planning agency notifies the City that the plan amendment package is complete. If timely challenged, the Amendments adopted by this Ordinance do not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendments to be in compliance with Section 163.3187, Florida Statutes.

PASSED ON FIRST READING this 12th day of March, 2018, on a motion made by Councilwoman Zapata and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 26th day of March, 2018, on a motion made by Councilman Best and seconded by Councilman Petralanda.

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilwoman Bob Best	<u>YES</u>
Councilwoman Mara Zapata	<u>ABSENT</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>


BILLY BAIN, MAYOR

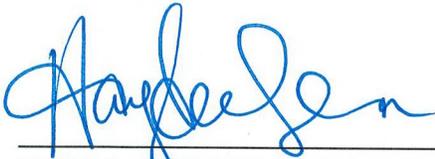
ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION

The Southwesterly 91 feet of Tract "A" of Miami Springs Baptist Church, according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida.

EXHIBIT B

CITY STAFF'S REPORT AND RECOMMENDATIONS

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5030
Fax: (305) 805-5036

STAFF REPORT

TO: City Council

FROM: Christopher Heid, City Planner

DATE: March 12, 2018

SUBJECT: Application for Rezoning and Comprehensive Plan Amendment

APPLICANT: City of Miami Springs on behalf of the property owner,
Miami Springs Baptist Church

ADDRESS: 427 S. Esplanade Drive

ZONING DISTRICT: P-2, Church Use

REQUEST: The applicant is seeking an amendment to the Future Land Use Element of the Comprehensive Plan and a Rezoning for a 10,685 square foot property at 427 S. Esplanade Drive as follows:

1. Requests an amendment to the Comprehensive Plan Future Land Use Map category from Religious Institution to Single Family Residential.
2. Requests a rezoning from P-2, Church Use to R-1B, Residential Single Family.

THE PROPERTY: The property is generally rectangular in shape, with a width of 90 feet fronting on S. Esplanade Drive, and a width of 91.77 feet on a 16 foot wide alley at the rear. The property depth is 108 feet on the north and 126 feet on the south, for an average depth of 117 feet. The property is 10,685 square feet in size. A one story, 1,944 square foot residence is located on the property.

The Church also owns an adjacent parcel to the immediate north, at the SE corner of S. Esplanade Drive and Hibiscus Drive. That parcel is 9,746 square feet in size, and contains an asphalt paved parking lot. The zoning on this parcel is P-2, Church Use, and the Future Land Use Map category is Religious Institution, and will remain as such.

THE PROJECT: As noted, the City is the applicant on behalf of the Miami Springs Baptist Church. The property was originally used as a residence for the Church's Pastor. The church now wishes to sell the property for continued use as a single family residence.

However, as this property was a part of the overall church use, it was assigned a P-2, Church Use zoning designation. Additionally, when the State mandated the City adopt a Comprehensive Plan, including Future Land Use Map designations, this property was assigned a use of Religious Institution.

As such, both the Future Land Use Map category and the zoning district designation must be changed for this property to be properly sold to a private buyer.

These changes represent a fairly significant down zoning of the property, as in addition to the use as a single family residence, the P-2 Zoning District also allows "any building used for church services, Sunday school instruction, or other activities directly connected with the normal operation of a church". (See attached **Exhibit 5**).

A rezoning of the property to R-1B would allow only a single family residence and related accessory structures.

HISTORY: The two adjacent parcels owned by the Church were originally platted as Lots 26, 27, 28 and 29 of Section 1 of Country Club Estates in 1927. (See attached **Exhibit 1**).

In 1933, Lots 26, 27 and 28 were combined and re-platted as Tract "A" with a parcel size of 0.29 acres. (See attached **Exhibit 2**).

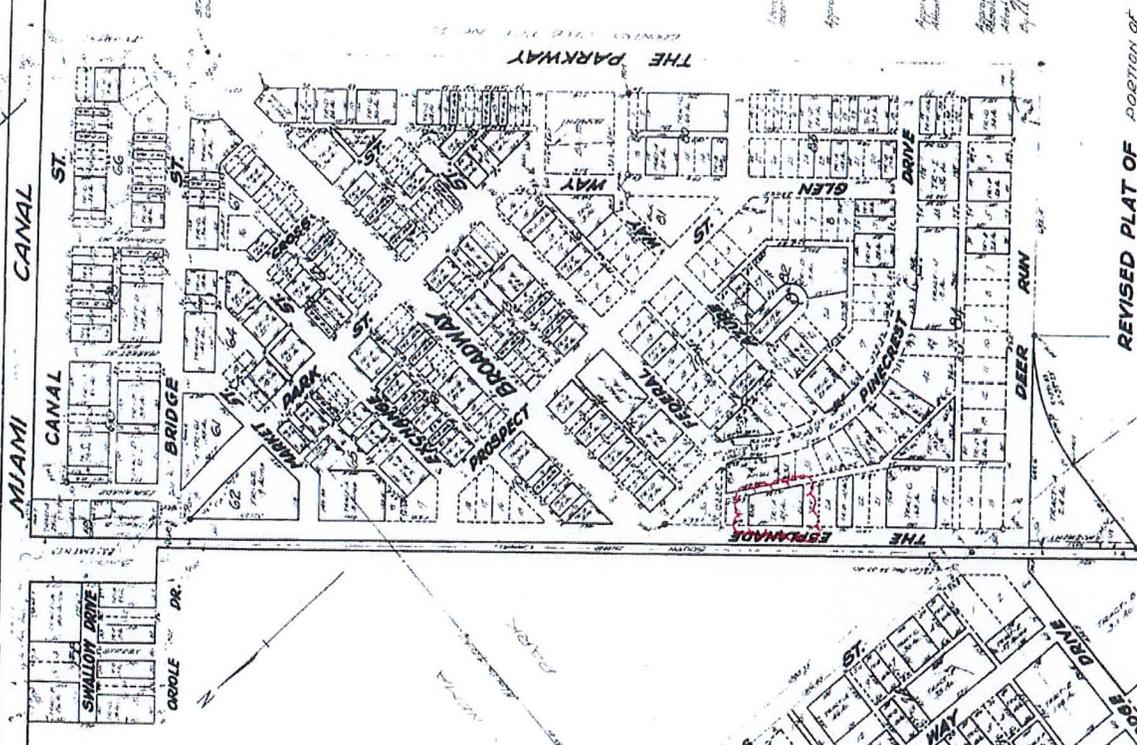
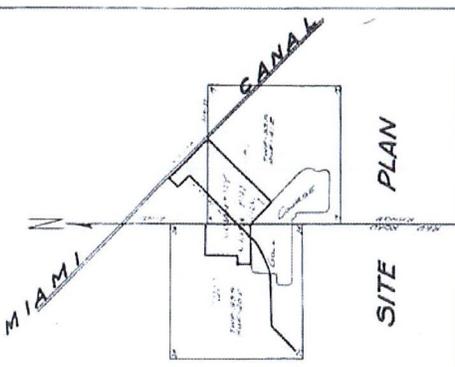
In 1962, the property was again re-platted, this time incorporating Lot 29, the lot at the corner of S. Esplanade Drive and Hibiscus Drive. The re-plat was again called Tract "A", now with a parcel size of 0.47 acres. (See attached **Exhibit 3**).

In 2017, Tract "A" was divided into two parcels, Parcel 1, 9,746 square feet in size with the asphalt parking lot, and Parcel 2, 10,685 square feet in size, with the single family residence. (See attached **Exhibit 4**).

ANALYSIS: As noted the requested changes significantly reduce the type and intensity of permitted uses from those currently allowed. Further, it would reduce the maximum permitted building height from 40 feet to 30 feet, and would return the property to the tax rolls, from its current tax exempt status.

Finally, the proposed changes would protect the adjacent single family neighborhood from further incursion by church uses, and assure that the property be used only for a single family residence in the future.

RECOMMENDATION: It is recommended that the request for Comprehensive Plan Amendment and Rezoning be approved.



REVISED PLAT OF PORTION OF
 AMENDED PLAT OF
SECTION - I
 OF
COUNTRY CLUB ESTATES

DADE COUNTY
 FLORIDA
 CHAS. G. HANCOCK, Engineer
 SCALE 1" = 50'

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON 11/15/50.

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EXHIBIT 5

§ 150-090

ZONING CODE

- (3) Any site upon which a golf course is developed shall be landscaped and maintained in a neat and clean, live, healthy, and growing condition, properly watered and trimmed, free of any refuse, structure, or debris, for a distance of not less than 100 feet from any abutting property zoned for residential use.
- (4) All uses in the P-1 district shall provide the parking as determined to be required in the sole and exclusive discretion of the City.
- (5) The site development plan for a plot in the P-1 district shall provide for an arrangement and location of uses and facilities on the plot as to give maximum possible separation from, and protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the plot presents any potential hazard or detriment to contiguous residential properties from noise, glare, odors, smoke, vibration, flying objects, or traffic, protection to the contiguous residential properties shall be provided in the form of open space, fences, walls, hedges, enclosures, or by such other means as may be appropriate and effective to prevent or minimize the hazards.

(Ord. 599-77, passed 3-28-77; amend. Ord. 1076-2015, passed 1-12-15)

Sec. 150-091. P-2 church use only.

(A) *Uses permitted.* Any building used for church services, Sunday school instruction, or other activities directly connected with the normal operation of a church.

(B) *Building height limits.* The maximum building height shall be 40 feet.

(C) *Site.* The minimum building site shall be governed by the number of off-street parking spaces which the site will accommodate, in proportion to the size of the building, as provided by this chapter, and subject to the limitations as herein provided for front, rear, and side yard requirements.

(D) *Front, side, and rear yard requirements.* No structure in this area shall be built closer than 30 feet to the exterior property lines of the minimum building site as herein required.

(E) *Signs.* See Signs, § 150-030.

(F) *Parking standards and requirements.* See § 150-016.

(Code 1962, § 25-18; amend. Ord. 184.24, passed 9-8-58; amend. Ord. 599-77, passed 3-28-77; amend. Ord. 760-90, passed 3-26-90)

Sec. 150-092. Nonconforming uses.

(A) A nonconforming use of a building, or portion thereof, or of land, which use existed lawfully at the time of adoption or subsequent amendment of this chapter, may be continued, provided that:

- (1) No building which has been damaged by fire, explosions, act of God, or the public enemy, to the extent of more than 50 percent of the replacement value of the building immediately prior to the damage, shall be restored, except in conformity with the requirements of this chapter.